

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ADVANCED MARKETING)
SYSTEMS, LLC,)
)
 Plaintiff,)
)
) **CA No. 1:15-CV-635-TDS-LPA**
v.) **JURY TRIAL DEMANDED**
)
)
DELHAIZE AMERICA, INC.)
)
 Defendant,)
)

**DEFENDANT DELHAIZE AMERICA, INC.'S
NOTICE REGARDING FINAL WRITTEN DECISIONS IN
PATENT OFFICE REVIEW PROCEEDINGS**

Pursuant to the Court's Order of July 12, 2016 (Dkt. No. 53), Defendant Delhaize America, Inc. ("Delhaize") respectfully notifies the Court that the Patent Trial and Appeal Board of the U.S. Patent and Trademark Office (the "PTAB") has entered Final Written Decisions in all four pending Covered Business Method ("CBM") Reviews of the patents asserted in this case, invalidating all claims asserted against Delhaize in this action. Specifically, on May 11, 2017, the PTAB issued a Final Written Decision in CBM2016-00012 invalidating claim 9 of the U.S. Patent No. 8,219,445. Similarly, on May 24, 2017, the PTAB issued Final Written Decisions in CBM2016-00013, CBM2016-00014, and CBM2016-00015, invalidating claims 15 and 28 of U.S. Patent No. 8,370,199, and claim 1 of U.S. Patent No. 8,538,805. Accordingly, all claims of the patents-in-suit asserted against Delhaize have been found unpatentable by the PTAB.

Counsel for Delhaize has conferred with counsel for AMS, and has been informed that, at this time, AMS has not decided if it will pursue rehearing or appeals of any of the PTAB's decisions. Accordingly, Delhaize respectfully requests that the Court continue the stay of this case until such time as: (i) AMS makes a determination of whether it intends to seek further review of the PTAB's decisions and provides such notice to the Court; or (ii) AMS's deadlines to seek review of the PTAB's decisions have passed (the latest of which is July 26, 2017), whichever is earlier.

Respectfully Submitted,

May 26, 2017

By: /s/ Robert L. Lee

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*Counsel for Defendant
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of May, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will forward a notice of electronic filing to all attorneys of record.

By: */s/Robert L. Lee*

Robert L. Lee (*admitted pro hac vice*)